

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK ANTHONY BROWN,

No. 2:22-cv-01001-DAD-CKD (PC)

Plaintiff,

v.

W. EMMERT, et al.,

Defendants.

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
REMAINING DEFENDANT DUE TO
PLAINTIFF'S FAILURE TO EFFECT
SERVICE OF PROCESS

(Doc. No. 38)

Plaintiff Mark Anthony Brown is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 6, 2023, the assigned magistrate judge issued findings and recommendations recommending that defendant Lieu, the only remaining defendant, be dismissed from this action due to plaintiff's failure to effect timely service of process under Rule 4(m) of the Federal Rules of Civil Procedure. (Doc. No. 38.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 1.) No objections have been filed, and the time in which to do so has now passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 findings and recommendations are supported by the record and proper analysis.

4 Accordingly,

5 1. The findings and recommendations issued on December 6, 2023 (Doc. No. 38) are
6 adopted in full;

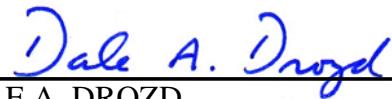
7 2. Defendant Lieu is dismissed from this action due to plaintiff's failure to effect
8 timely service of process;

9 3. This action is dismissed; and

10 4. The Clerk of the Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: January 9, 2024


DALE A. DROZD
UNITED STATES DISTRICT JUDGE